## REMARKS

Claims 1, 3, 5, 7-9, 11, 24, 28, 32, 34-43 and 45-53 are pending. No claims are amended. Because the application is now "After Final," this response focuses on only two points. The other arguments of record still stand; however, these arguments will not be reiterated here.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 5, 7-9, 11, 24, 28, 34-39, 41-42, 47, and 49-53 have been rejected as obvious over Haswell et al., Lab on a Chip (2001), pp. 164-166 in view of Tonkovich et al. (US Patent No. 6,488,838). Haswell uses a tethered catalyst in a packed bed. Tonkovich et al. teach generally about a bulk flow channel in microchannels.

Applicants have submitted a Declaration comparing their data to that of the closest prior art; which is Haswell et al., Lab on a Chip (2001). Applicants do not need to compare their invention versus Haswell as modified with a bulk flow path.

On page 7 of the Office Action, the Examiner rejected Applicants' showing of unexpected results on the grounds that "Since the *combination* of references teach the use of a bulk flow path, it is not understood how these results are unexpected." (emphasis added). This is the wrong standard for determining unexpected results. MPEP §716.02(e).III clearly states that a showing of unexpected results should be compared against a single reference and it is improper to compare the showing of unexpected results against a combination of references.

Applicants have demonstrated unexpected results as compared to the Haswell reference. Thus, Applicants have shown the nonobviousness of their invention and withdrawal of the section 103 rejection is respectfully requested.

Claim 28 has been rejected as being obvious over Haswell in view of Tonkovich and further in view of Hoveyda et al. This rejection is respectfully traversed.

First, as applicants have previously argued, Hoveyda does not qualify as prior art. Hoveyda was filed May 12, 2003. The present application claims the benefit of U.S. Patent Application Ser. No. 60/403,952 which was published on August 15, 2002. The invention of claim 28 is clearly supported at page 6, lines 20-28 of the '952 patent application. Accordingly, the rejection of claim 28 should be withdrawn.

Second, on page 7-8 of the Office Action, the Examiner argues that a chiral auxiliary is the same thing as a chiral catalyst. This position is not consistent with the accepted definitions of "chiral catalyst" and "chiral auxiliary" as evidenced by the definitions in Wikipedia. Chiral auxiliaries use steric hinderance to block the formation of one stereoisomer, see http://en.wikipedia.org/wiki/Chiral_auxiliary. On the other hand, chiral catalysts, which were introduced in 1968 by Knowles and Noyori, who were later awarded a Nobel Prize for their work, catalyze the reaction (i.e., lower the activation energy and thus increase the rate of formation of a desired stereoisomer). This distinction between chiral auxliaries and chiral catalysts is explained at http://en.wikipedia.org/wiki/Asymmetric_synthesis.

Conclusion

If the Examiner has any questions or would like to speak to Applicants' representative, the Examiner is encouraged to call Applicants' attorney at the number provided below.

Respectfully submitted,

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